

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:18-CR-00379-MOC-DCK**

UNITED STATES OF AMERICA,

vs.

WINSTON MEDLEY,

Defendant.

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ORDER

THIS MATTER comes before the Court on Defendant’s Second Motion for Compassionate Release, brought pursuant to 18 U.S.C. § 3582(c)(1)(A). See Doc. No. 29. Defendant asserts that the COVID-19 pandemic and its effects on the prison population provide “extraordinary and compelling reasons” warranting release. See id. at 2. Defendant alleges he is in minimum security, has no history of violence, and is no danger to the safety of the community or any other person. See id. at 3. He also maintains he has created a re-entry plan that will prevent recidivism upon release. See id. at 4. Conspicuously absent from Defendant’s compassionate release request is any suggestion that he in particular suffers an increased risk from COVID-19. See generally id. In fact, portions of his motion suggest that he does not suffer any underlying conditions. See id. at 4 (asserting that a district court ordered release where a defendant had “no underlying conditions or COVID-19 risk factors”).

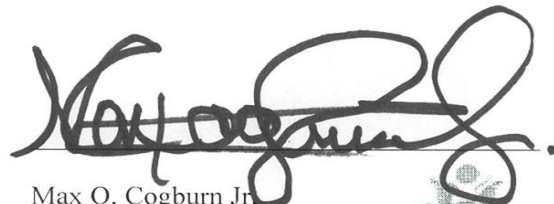
This Court agrees with the broader consensus of courts that “the mere existence in COVID-19 in society and the possibility that it may spread [throughout] a particular prison alone cannot independently justify compassionate release, especially considering [the Bureau of Prison’s] statutory role, and its extensive and professional efforts to curtail the virus’s spread.” United States v. Raia, 954 F.3d 594, 597 (3d Cir. 2020). And, even if it could, Defendant has failed to show that

early release would not: create unwarranted sentencing disparities, fail to serve the need for specific and general deterrence, and fail to reflect the seriousness of the offense. See United States v. Chambliss, 948 F.3d 691, 693 (5th Cir. 2020). Therefore, Defendant's Motion is denied.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's Second Motion for Compassionate Release, Doc. No. 29, is **DENIED**.

Signed: July 22, 2020



Max O. Cogburn Jr.
United States District Judge